



## **1 VERDICT FORM**

Based on the evidence admitted at trial and in accordance with the instructions as given by the Court, we, the jury, unanimously agree to the answers to the following questions

### **1.1 QUESTION NO. 1—INVALIDITY**

#### **QUESTION NO. 1**

Have Defendants proven by clear and convincing evidence (in other words, that it is highly probable) that one or more of the asserted claims of the nine patents at issue are invalid because (a) the patent claims do not meet the “written description” requirement; (b) the patent claims do not meet the “enablement” requirement; (c) the patent claims are “anticipated” in light of prior art that the Patent Office considered during the prosecution of the patent at issue; and/or (d) the patent claims are “obvious” in view of the prior art that the Patent Office considered during the prosecution of the patent at issue? If for (c) and (d) the prior art was not considered during the prosecution of the patent at issue, then Defendants’ burden of proving anticipation or obviousness is only a preponderance of the evidence (in other words, that it is more probable than not).

*Answer using the chart on the following page. Answer “Yes” or “No” for each claim separately as to whether the claim is invalid on each of the foregoing grounds.*

<b>Patent No.</b>	<b>Claim</b>	<b>Invalid for <u>anticipation</u>? (Yes/No)</b>	<b>Invalid for <u>obviousness</u>? (Yes/No)</b>	<b>Invalid for <u>lack of written description</u>? (Yes/No)</b>	<b>Invalid for <u>lack of enablement</u>? (Yes/No)</b>
7,015,868	26				
	35				
7,123,208	7				
	12				
7,397,431	14				
	30				
7,394,432	6				
7,428,782	6				
	7				
	8				
7,148,850	22				
	70				
7,202,822	8				
7,312,762	21				
7,411,556	40				

**QUESTION NO. 2**

Have Defendants proven by clear and convincing evidence (in other words, that it is highly probable) that any of the following patents are invalid because of improper inventorship?

*Answer "Yes" or "No" for each patent separately as to whether the patent is invalid because of improper inventorship.*

U.S. Patent No. 7,015,868                      \_\_\_\_\_ Yes        \_\_\_\_\_ No

U.S. Patent No. 7,123,208                      \_\_\_\_\_ Yes        \_\_\_\_\_ No

U.S. Patent No. 7,397,431                      \_\_\_\_\_ Yes        \_\_\_\_\_ No

U.S. Patent No. 7,394,432                      \_\_\_\_\_ Yes        \_\_\_\_\_ No

U.S. Patent No. 7,428,782                      \_\_\_\_\_ Yes        \_\_\_\_\_ No

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the marshal that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_ Presiding Juror